



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

4-3-2003

7. **Project # 1002138**

03DRB-00238 Major-Vacation of Pub Right-of-Way
03DRB-00237 Minor-Prelim&Final Plat Approval
03DRB-00239 Minor-Sidewalk Variance
03DRB-00240 Minor-Temp Defer SDWK

LARRY READ & ASSOCIATES, INC., agent(s) for SHAKEEL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 19, Block(s) 2, (to be known as **ABIS SUBDIVISION**, NORTH ALBUQUERQUE ACRES, TRACT 2 UNIT 3, zoned RD, located on OAKLAND AVE NE, between LOUISIANA BLVD NE and WYOMING BLVD NE containing approximately 1 acre(s). [Deferred from 3/19/03] [REF: 02DRB-01219] (C-19)

At the April 2, 2003, Development Review Board meeting, the Vacations were approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.
2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.
3. Affected utility companies shall acknowledge the vacation by their signatures on the replat.



**OFFICIAL NOTICE
PAGE TWO**

With the signing of the infrastructure list dated 4/2/03 and approval of the grading plan engineer stamp dated 2/5/03 the preliminary plat was approved.

The final plat was indefinitely deferred for the Subdivision Improvements Agreement. A sidewalk variance for waiver of sidewalks was approved as shown on Exhibit C in the Planning file.

The temporary deferral of construction of sidewalks was approved for the front and side yards of the developable lots on the interior streets as shown on Exhibit C in the Planning file.

If you wish to appeal this decision, you must do so by April 17, 2003, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)

Sheran Matson, AICP, DRB Chair

cc: Shakeel Rizvi, 4001 Juan Tabo Blvd NE, 87111
Larry Read & Associates Inc., 4800 Juan Tabo Blvd NE, Suite C, 87111
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg
File